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10/590,712	08/25/2006	Masaya Yamamoto	2006_1395A	2576
52349 7590 10/15/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
NGUYEN, HUY THANH				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,712

**Applicant(s)**

YAMAMOTO ET AL.

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 8/25/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13-15 direct to a carrier wave (signal ). See MPEP 2100.

Claim 16-17 direct information on a medium without specify that the medium is a computer readable medium . The medium in the claims can be a paper on which is printed with information (a drawing or an image).See MPEP 2100.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurano et al (EP0737974).

Regarding claims 1, and 16, Kurano discloses a content use device (Figs. 1, 29, columns 2,27-29) for using composite content recorded on a recording medium, the composite content including a plurality of pieces of content, the content use device comprising:

an acquisition unit operable to acquire a designation of one of the plurality of pieces of content (column 27);

a judgment unit operable to judge whether the designated piece of content is usable, based on contract information relating to use of the designated piece of content (column 27, lines 40-58);

a selection unit operable to select one of the plurality of pieces of content, according to a result of the judgment by the judgment unit (column 28); and

an output unit operable to output the selected piece of content.

Method claims 12 and 13 correspond to apparatus claim 1. Therefore method claims 12 and 13 are rejected by the same reason as applied to apparatus claim 1.

Further for claims 13-15, Kurano using a computer program (Fig. 29).

Regarding claims 2,3 and 16-17, Kurano further teaches using alternative piece information since the piece information n can be selected by user (parent control or rating level).

Regarding claim 10, Kurano further teaches the plurality of pieces of content include a plurality of pieces of auxiliary content that are each made up of any of audio

data and subtitle data output together with video data (Cells of DVD movie) ,  
the acquisition unit acquires the designation of one of the plurality of pieces of auxiliary content,  
the judgment unit judges whether the designated piece of auxiliary content is usable, based on the contract information,  
the selection unit selects a group of outputtable pieces of auxiliary content according to the result of the judgment by the judgment unit, and selects one piece of auxiliary content from the selected group, and  
the output unit outputs the selected piece of auxiliary content ( the auxiliary content in selected the cells ) .

5. Claims 1-7,10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ravis (6704491).

Regarding claims 1, and 16, Ravis discloses a content use device for using composite content recorded on a recording medium, the composite content including a plurality of pieces of content, the content use device comprising:

an acquisition unit operable to acquire a designation of one of the plurality of pieces of content (column 1, line 48 to column 2, line 45, Fig. 4)-;

a judgment unit operable to judge whether the designated piece of content is usable, based on contract information relating to use of the designated piece of content (Fig. 4);

a selection unit operable to select one of the plurality of pieces of content, according to a result of the judgment by the judgment unit (column 2, lines 25-45, column 5, Fig. 4);  
and

an output unit operable to output the selected piece of content.

Method claims 12 and 13 correspond to apparatus claim 1. Therefore method claims 12 and 13 are rejected by the same reason as applied to apparatus claim 1.

Further for claims 13-15, Ravis teaches using a computer program (Fig. 4)

Regarding claims 2 and 16 Ravis teaches the selection unit selects the designated piece of content if the designated piece of content is judged as being usable, and selects an alternative piece of content instead of the designated piece of content if

the designated piece of content is judged as being not usable, the alternative piece of content being included in the composite content in correspondence with the designated piece of content (column 5, column 7, lines 35-40).

Regarding claims 3 and 17, Ravis teaches the composite content recorded on the recording medium includes a content identifier for identifying the designated piece of content and an alternative content identifier for identifying the alternative piece of content, in correspondence with each other, the selection unit selects the designated piece of content by extracting the content identifier from the composite content if the designated piece of content is judged as being usable, and selects the alternative piece

of content by extracting the alternative content identifier corresponding to the content identifier from the composite content if the designated piece of content is judged as being not usable, and

the output unit reads the piece of content identified by the extracted content identifier or alternative content identifier from the recording medium, and outputs the read piece of content (column 5, column 7, lines 35-40)..

Regarding claim 4, Ravis teaches the judgment unit acquires the contract

Information (rating level or prefer level ) (Fig. 4), and judges whether the designated piece of content is usable based on the acquired contract information.

Regarding claim 5, Ravis teaches the composite content recorded on the recording medium includes a license identifier (rating level identifier ) for identifying the contract information, and the judgment unit includes:

a contract information storage unit operable to prestore the license identifier and the contract information in correspondence with each other (column 3, lines 37-65);

an identifier extraction unit operable to extract the license identifier from the composite content; and

a judging unit operable to read the contract information corresponding to the extracted license identifier from the contract information storage unit,

and judge whether the designated piece of content is usable based on the read contract information.(column 3, lines 36-68 )

Regarding claims 6, Ravis teaches the composite content recorded on the recording medium includes a content identifier for identifying the designated piece of content and a license identifier for identifying the contract information, in correspondence with each other, and the judgment unit includes:

a contract information storage unit operable to prestore the license identifier and the contract information (pointers associated with rating level)(column 3, lines 37-65) in correspondence with each other; an identifier extraction unit operable to extract the license identifier corresponding to the content identifier for identifying the designated piece of content, from the composite content; and a judging unit operable to read the contract information corresponding to the extracted license identifier from the contract information storage unit, and judge whether the designated piece of content is usable based on the read contract information.

Regarding claim 7, Ravis teaches the composite content recorded on the recording medium includes a content identifier ( pointers associated with rating level)for identifying the designated piece of content, and the judgment unit includes:

a contract information storage unit operable to prestore the content identifier (pointer associated with rating level) and the contract information in correspondence with each other; an identifier extraction unit operable to extract the content identifier from the composite content; and  
a judging unit operable to read the contract information corresponding to the extracted content identifier from the contract information storage unit,



and judge whether the designated piece of content is usable based on the read contract information.

Regarding claim 10, Ravis further teaches the plurality of pieces of content include a plurality of pieces of auxiliary content that are each made up of any of audio data and subtitle data output together with video data (DVD movie), the acquisition unit acquires the designation of one of the plurality of pieces of auxiliary content, the judgment unit judges whether the designated piece of auxiliary content is usable, based on the contract information, the selection unit selects a group of outputtable pieces of auxiliary content according to the result of the judgment by the judgment unit, and selects one piece of auxiliary content from the selected group, and the output unit outputs the selected piece of auxiliary content.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravis in view of Sato et al (5,884,004).

Ravis does not specify teach that the content is played as playback paths or angles

Sato teaches the content on the medium can be played as a playback path by using playback path information (Figs. 20-21) . It would have been obvious to one of ordinary skill in the art to modify Ravis with Sato by using the teaching Sato for providing the medium and the apparatus of Ravis with playback path or angle information thereby enhancing the capacity of the apparatus of Ravis in selection of segments of the content to be played.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurano et al in view of Sato et al (5,884,004).

Kurano does not specifically teach that the content is played as playback paths or angles

Sato teaches the content on the medium can be played as a playback path by using playback path information (Figs. 20-21) . It would have been obvious to one of

ordinary skill in the art to modify Kurano with Sato by using the teaching Sato for providing the medium and the apparatus of Kurano with playback path or angle information thereby enhancing the capacity of the apparatus of Kurano in selection of segments of the content to be played.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ravis in view of Takechi et al (7,146,498).

Regarding claim 11, Ravis does not specifically teach that the content is encrypted and is decrypted .

Takechi teaches encrypting and decrypting the content recorded on a medium (column 16, lines 55-68). It would have been obvious to one of ordinary skill in the art to modify Ravis with Takechi by using encrypting and decrypting the contents of Ravis thereby protecting the content from unauthorized copying .

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621